

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

WILLIAM J. SEESE,

Plaintiff,

vs.

NANCY A. BERRYHILL,
Acting Commissioner of Social Security

Defendant.

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CASE NO. 1:16-CV-739

OPINION & ORDER
[Resolving Doc. [1](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On April 25, 2012, Plaintiff William J. Seese applied for Disability Insurance Benefits under the Social Security Act.¹ After his application was denied, McDonald requested that an Administrative Law Judge (ALJ) consider his application.²

On September 16, 2014, the ALJ issued a decision denying benefits to Plaintiff Seese.³ The Appeals Council denied McDonald's request for review.⁴

On January 29, 2016, Plaintiff McDonald filed this complaint for wrongful denial of disability benefits.⁵ Consistent with Local Rule 72.2, the Court referred the matter to Magistrate Judge George J. Limbert. On January 20, 2017, Magistrate Judge Limbert issued a Report and Recommendation.⁶ According to Magistrate Judge Limbert, the ALJ should have considered Plaintiff's depression when determining Plaintiff's residual functional capacity to perform light work, even though the depression itself was not a severe impairment.⁷ Magistrate Judge Limbert

¹ Doc. [11](#) at 209-18.

² *Id.* at 66, 168-69.

³ *Id.* at 46-59.

⁴ *Id.* at 1-6.

⁵ Doc. [1](#).

⁶ Doc. [16](#).

⁷ *Id.* at 20.

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recommended that this Court vacate the Commissioner's denial of disability benefits and remand the case back to the ALJ for further proceedings.⁸

The Federal Magistrates Act requires a district court to conduct a de novo review only of those portions of a Report and Recommendation to which the parties have made an objection.⁹

On January 23, 2017, the Social Security Commissioner filed notice that the Social Security Commissioner would not object to Magistrate Judge Limbert's Report and Recommendation.¹⁰

Absent objection, a district court may adopt the magistrate judge's report without review.¹¹ Moreover, having conducted its own review of the parties' briefs in this case, the Court agrees with the conclusions of Magistrate Judge Limbert.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge Limbert's findings of fact and conclusions of law and incorporates them fully herein by reference. The Court thus **VACATES** the Commissioner's denial of benefits and **REMANDS** this case to the Administrative Law Judge for further proceedings.

IT IS SO ORDERED.

Dated: February 17, 2017

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁸ *Id.* at 24.

⁹ 28 U.S.C. § 636(b)(1)(C).

¹⁰ Doc. 17.

¹¹ *Thomas v. Arn*, 474 U.S. 140, 149 (1985).